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Chair: Mr. Hilale ..... (Morocco)

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The meeting was called to order at 10.15 a.m.

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/70/L.43)

Draft resolution A/C.3/70/L.43: Globalization and its impact on the full enjoyment of all human rights

1. **Mr. Essam** (Egypt), introducing the draft resolution, said that it emphasized the need for fair and equal treatment of all human rights, given their universality, indivisibility, interrelatedness and interdependence. In that regard, the United Nations human rights framework must ensure a balance between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. The draft resolution also emphasized that development should be at the centre of the international economic agenda; underscored the right to development; stressed the importance of addressing the development gap between and within countries in order to mitigate the negative impact of globalization; and also urged transnational corporations and other enterprises to conduct their business operations in a responsible manner.

2. Noting that the draft resolution had been slightly modified from the previous year to reflect the adoption of General Assembly resolution 70/1, particularly its emphasis on poverty eradication and the three pillars of sustainable development, he read out a number of oral revisions to the text.

3. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Algeria, Angola, Argentina, Bahrain, Bangladesh, Belarus, Bolivia (Plurinational State of), Burundi, Cabo Verde, Cameroon, the Central African Republic, China, Comoros, Cuba, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Ecuador, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Mali, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, South Sudan, the Sudan, Uganda, the United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen and Zimbabwe had joined the sponsors.

Agenda item 68: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/70/L.29/Rev.1)

Draft resolution A/C.3/70/L.29/Rev.1: The girl child

4. **The Chair** said that the draft resolution contained no programme budget implications.

5. **Mr. Khane** (Secretary of the Committee) announced that Andorra, Argentina, Australia, Austria, Belarus, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, France, Gambia, Ghana, Greece, Guatemala, Guinea, Hungary, Israel, Italy, Japan, Kenya, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, New Zealand, Nicaragua, Panama, Papua New Guinea, Peru, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, Rwanda, San Marino, Senegal, Serbia, Slovenia, Spain, Suriname, Switzerland, Thailand, Turkey, Uganda, Ukraine and Uruguay had joined the sponsors.

6. **Mr. Ntwaagae** (Botswana), speaking on behalf of the Southern African Development Community (SADC), said that consultations had been instrumental in strengthening the draft resolution, which addressed issues pertinent to the region, particularly the impact on the well-being of the girl child from a lack of access to water, sanitation and hygiene, and that obstacles that posed to her education and enjoyment of human rights. The draft resolution also contained a request for a status update on the implementation of the provisions of General Assembly resolution 68/146 relating to the priority theme of child-headed households, which had not been included in the Secretary-General's 2015 report (A/70/267).

7. SADC had exercised great flexibility in accommodating proposals from delegations to achieve a critical and hard-won consensus on a draft resolution that aimed to empower the girl child to navigate the specific challenges she faced. In particular, it had worked tirelessly to ensure that new language was introduced in several paragraphs, amid strong opposition from some delegations. Lastly, SADC was encouraged by the increased sponsorship for the draft resolution and welcomed the support of additional sponsors.

8. *Draft resolution A/C.3/70/L.29/Rev.1 was adopted.*

9. **Mr. Oppenheimer** (Netherlands), speaking also on behalf of Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Iceland, Ireland, Latvia, Lithuania, Norway, Slovakia, Spain, Sweden and the United Kingdom, said that their delegations had engaged constructively in negotiations on the draft resolution as a reflection of their commitment to advancing the human rights of girls and boys worldwide. However, some other delegations had not fully supported the draft resolution on the grounds that it lacked adequate references to comprehensive sexuality education. The delegations on behalf of which he spoke stood ready to contribute to enhance the comprehensiveness of Secretary-General's report (A/70/267) and appreciated the work of the Secretariat in that regard.

10. The commitments assumed under the Beijing Declaration and Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the agreed conclusions of the Commission on the Status of Women must be translated into reality. Their delegations would continue to work with all partners in order to unlock the potential and power of girls and boys around the world.

11. **Ms. Morton** (Australia), speaking also on behalf of Canada, Denmark, Finland, Iceland, Liechtenstein, the Netherlands, New Zealand, Norway, Switzerland and the United Kingdom, said that the draft resolution offered an opportunity to recognize issues faced by young women and girls worldwide.

12. When asked to suggest priority themes for future draft resolutions on the girl child, two girl advocates from the Working Group on Girls had emphasized the important role of girl-led organizations in enabling girls to articulate the unique issues they faced and advocate for change. It was therefore crucial to ensure that the perspectives of girl leaders were represented not only in dialogues on gender, but also on issues affecting their communities and the world.

13. She called on the sponsors of the draft resolution to designate girl leadership as the theme of the next report of the Secretary-General and of the draft resolution to be presented at the seventy-fourth session of the General Assembly, with a view to ensuring that girls were empowered as partners and allies in processes that affected their lives.

14. **Ms. Boissiere** (Trinidad and Tobago) reaffirmed her country's commitment to protect the human rights of all of its citizens, including girls, as provided for by its Constitution. Trinidad and Tobago would therefore interpret the provisions of the draft resolution in accordance with its national laws, policies and priorities in an effort to enhance the quality of life and enjoyment of human rights by all citizens, including the girl child.

15. **Mr. Mack** (United States of America) said that his country was committed to supporting the advancement of children around the world, regardless of their gender. In addition to being the top contributor to the United Nations Children's Fund, his Government had launched an initiative to enable adolescent girls worldwide to attend and complete school and an initiative to reduce HIV infections in adolescent girls and young women. The United States recognized that much remained to be done to ensure that girls enjoyed equal access to education and opportunities. It would also work to eliminate exploitative child labour around the world, including substantial national efforts to protect the child victims of human trafficking.

16. It was inappropriate to insert into the draft resolution an expression of disappointment in the Secretary-General's report (A/70/267). His delegation therefore regretted that it was unable to sponsor the draft resolution, as it had done in previous years. The United States would however continue to collaborate with its international partners in promoting gender equality and the rights of children.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/70/L.59/Rev.1)

Draft resolution A/C.3/70/L.59/Rev.1: Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

17. **The Chair** said that the draft resolution contained no programme budget implications.

18. **Mr. Zagaynov** (Russian Federation) said that the draft resolution was before the Committee at a symbolic

time, seventy years since the establishment of the Nuremberg Tribunal, the defeat of Nazism and the creation of the United Nations. Victory in the Second World War had been crucial to forging a framework for the protection of human rights, which included the Universal Declaration of Human Rights and the International Convention on the Elimination of all Forms of Racism. Such fundamental instruments had been the response of the United Nations to the crime of Nazism and policies violating human dignity.

19. The fact that some delegations were calling for a vote on the draft resolution, which not only addressed the protection of human rights, but also paid tribute to those who had sacrificed their lives, reflected an attempt to deny and rewrite history. The glorification of those involved in the crimes of Nazism, including whitewashing the crimes of former SS and Waffen SS members, was unacceptable. Such fuelling of contemporary forms of racism, racial discrimination, xenophobia and related intolerance was cause for grave concern.

20. Some European countries, including those that had been occupied during the Second World War, were currently waging a war against monuments honouring those who had fought against Nazism. At the same time, those who had fought against the anti-Hitler coalition or had collaborated with the Nazis were being raised to the level of national heroes or champions of national liberation movements. The issue at hand was not one of political correctness, but of addressing attempts to falsify history. Such trends were blatant cynicism and blasphemous towards those who had freed the world from the horrors of Nazism. Furthermore, they were criminal acts according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

21. Some delegations had long intimated that racism and the spread of racist ideas could not be tackled through bans or criminal prosecutions, arguing that a healthy and democratic society would naturally reject neo-Nazism, racism and other scourges incompatible with democratic principles. However, that argument had been refuted by recent developments, including ones in close proximity to the Russian Federation. The sponsors believed firmly that the draft resolution, through the widest support possible, would make an essential contribution to combating racism, racial discrimination, xenophobia and related intolerance. Adoption of the draft resolution was a common duty not only to the founding fathers of the United Nations, but also to the succeeding generations whom the Organization had determined to save from the scourge of war.

22. Lastly, he drew attention to a few corrections that needed to be made to the Russian translation of the draft resolution.

23. **Mr. Khane** (Secretary of the Committee) said that the Russian translation would be aligned with the original text accordingly. He added that Algeria, Benin, Burkina Faso, Ghana, Guinea, Guinea-Bissau, Jordan, the Philippines, Rwanda, Serbia, Tunisia and the United Republic of Tanzania had joined the sponsors.

24. **Ms. Belskaya** (Belarus), speaking in explanation of vote before the voting, said that Nazism was a totalitarian ideology advocating the superiority of one nation over others that had led to crimes against humanity and genocide. Those crimes had been rightly condemned by the Nuremberg Tribunal as war crimes, which had been a turning point in the history of humanity and had led to the creation of the United Nations and efforts to build a world order based on tolerance and solidarity. Unfortunately, extremist movements and groups continued to openly promote the heinous crimes of Nazism using neo-Nazism and other ideologies of racial supremacy. It was a matter of concern that, at times, some Governments had facilitated the spread of such ideas by citing freedom of speech. Such evil ideology must be combatted. That required clearly recalling what crimes had been committed. Her Government would thus vote in favour of the draft resolution.

25. **Ms. Phipps** (United States of America) said that, as in years past, her delegation condemned the glorification of Nazism and all modern forms of racism, xenophobia, discrimination and related intolerance. Her Government was an active partner in promoting remembrance of the Holocaust and other genocides worldwide, and continued to lead efforts to bring the perpetrators of such crimes to justice. More broadly, it unreservedly condemned all forms of religious and ethnic intolerance or hatred, domestically and around the world. Nevertheless, her delegation could not support the draft resolution because it was politicized, called for unacceptable limits on the fundamental freedom of expression, and continued to have a narrow scope, doing little to recognize and combat the remnants of other historical tragedies such as the

Rwandan genocide, Pol Pot's murderous regime in Cambodia or the slaughter currently ravaging the Syrian Arab Republic.

26. Her delegation continued to be concerned that the Russian Federation was using the draft resolution to carry out political attacks against its neighbours. While her delegation shared concerns over the rise in hate speech throughout the world, the draft resolution's recommendations to limit freedom of expression, freedom of association and the right to peaceful assembly contravened the principles enshrined in the Universal Declaration of Human Rights, and must be opposed. Similarly, States must refrain from invoking article 4 of the International Convention on the Elimination of all Forms of Racial Discrimination, and article 20 of the International Covenant on Civil and Political Rights, to limit freedom of expression or as an excuse for failing to take effective measures to combat intolerance in its many forms. Her Government would thus vote against the draft resolution, and called on other States to do the same.

27. **The Chair** said that a recorded vote had been requested on draft resolution A/C.3/70/L.59/Rev.1.

28. **Mr. Zagaynov** (Russian Federation) asked which delegation had requested the recorded vote.

29. **The Chair** said that the vote had been requested by the delegation of the United States of America.

30. **Mr. Agha** (Syrian Arab Republic) said that the draft resolution addressed a very important issue that was related to intolerance and racism. Combating Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance was an important step in the fight against terrorism, which affected all countries of the world. His delegation would thus vote in favour of the draft resolution.

31. *A recorded vote was taken on draft resolution A/C.3/70/SR.59/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Congo (Democratic Republic of the), Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Korea (Democratic People's Republic of), Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tanzania (United Republic of), Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Palau, Ukraine, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kiribati, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (The former Yugoslav Republic of), Malta, Republic of Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tonga, Turkey, United Kingdom of Great Britain and Northern Ireland.

32. *Draft resolution A/C.3/70/SR.59/Rev.1 was adopted by 126 votes to 4, with 53 abstentions.*

33. **Mr. Yaremenko** (Ukraine), speaking in explanation of vote after the voting, said that his country, which had been among those that had suffered the most from the Nazi occupation during the Second World War,

strongly condemned all forms of Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. However, the draft resolution had nothing in common with that struggle but rather reflected the Russian Federation's manipulation of history and the essence of the Nuremburg Tribunal in pursuance of its aggressive political interests. Indeed, a Russian parliamentary party led by Russia's Deputy Prime Minister had hosted the International Russian Conservative Forum in St. Petersburg earlier in the year, gathering representatives of almost all of Europe's neo-Nazis, extreme nationalists and anti-Semitists.

34. His delegation condemned the Russian Federation's attempt to present itself as a champion of the struggle against Nazism and neo-Nazism, all the while repeating crimes against entire nations. It was deeply concerned about the deteriorating situation in the Russian Federation and its State propaganda of racism, racial discrimination and the superiority of the Russian world, as well as its xenophobia, related intolerance towards other nations and glorification of totalitarian regimes and their leaders. Since the draft resolution was motivated by propaganda, his delegation would vote against it.

35. **Ms. Lucas** (Luxembourg), speaking on behalf of the European Union, said that Georgia, the Republic of Moldova and Ukraine had aligned themselves with her statement. The European Union remained fully committed to the global fight against racism, xenophobia and related intolerance. Contemporary forms of all extremist ideologies, including neo-Nazism, were particularly abhorrent manifestations of racism and xenophobia, and must be condemned as a common and consensual priority for the entire international community. Expressions of such ideologies should be tackled as part of comprehensive efforts to eliminate all forms of racism and xenophobia through effective measures at the national, regional, and international levels, in particular through the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

36. The multifaceted roots leading to racism and xenophobia, including prejudice and ignorance, were best addressed through education, awareness-raising and the promotion of dialogue. The European Union continued to believe that all contemporary forms of racism, racial discrimination, xenophobia and related intolerance should be addressed in an impartial, balanced and comprehensive way in the draft resolution, with a clear focus on human rights.

37. Each State had a role to play in that regard, in line with international human rights standards, while also ensuring that those who instigated racial or ethnic hatred, or committed racially motivated crimes, were brought to justice. Hence, out of a sense of responsibility towards all victims, past and present, the use of divisive and selective approaches should be avoided, as that diluted the significance of the fight against racism.

38. The European Union welcomed the open, inclusive and transparent informal consultations on the draft resolution, and the fact that some of its proposals had been taken into consideration. It also welcomed the important addition to the text of references to human rights, democracy, the rule of law and good governance, and to the participation of non-governmental organizations in the work of the United Nations.

39. Nevertheless, a number of important concerns remained, and several European Union proposals, which had been essential, including compromise language, had been dropped. It was regrettable that the draft resolution continued to underscore issues that were unrelated to combating racism, racial discrimination, xenophobia and related intolerance, and did not comprehensively address all contemporary forms of racism. Centring the fight against racism on the teaching of history, monuments, memorials or erroneous references to national liberation movements or other politically motivated issues fell outside the scope of the human rights agenda and aimed to monopolize the fight against Nazism through a one-sided view of history.

40. The European Union paid tribute to the historic role of the allied forces and their sacrifices in the defeat of Nazism during the Second World War, whose end had brought painful divisions in many European countries, occupation and more crimes against humanity rather than freedom. It was thus regrettable that the proposal to adopt a victim-centred approach and to include references to all totalitarian ideologies and regimes had not been taken on board in the draft resolution. Furthermore, education should be addressed in a comprehensive rather than selective manner, and cover the range of racist and totalitarian ideologies in history. There was also concern about language which

addressed too restrictively the fundamental right to freedom of expression and peaceful assembly and of association, as contained in articles 19, 21 and 22 of the International Covenant on Civil and Political Rights.

41. Concerns also remained with regard to the proposal for States to report on implementation of the present draft resolution in the context of the universal periodic review, which should be a matter for States to decide. Moreover, the request made to the Special Rapporteur to report on selected paragraphs of the draft resolution interfered in his mandate, potentially undermining his independence and comprehensive reporting. Nor should the Special Rapporteur be requested to produce annually two separate reports — one to the General Assembly and one to the Human Rights Council — on the same topic. The European Union believed that there was added value in making the draft resolution biennial.

42. In the context of the ongoing crisis in Ukraine, the European Union was greatly concerned about the main sponsor's attempts to misuse the important goal of fighting neo-Nazism. In that regard, she recalled, inter alia, the European Union's explanation of vote on the same draft resolution from the previous year in connection with the illegal annexation of Crimea.

43. The European Union remained strongly committed to the global fight against all contemporary forms of racism and stood ready to engage constructively and in a spirt of transparency on the above concerns in order to address all manifestations of racism, racial discrimination, xenophobia and related intolerance in a comprehensive and unbiased manner. For all those reasons, the European Union had abstained from the vote.

44. **Ms. Kirianoff Crimmins** (Switzerland), speaking also on behalf of Iceland, Liechtenstein and Norway, said that those countries strongly supported all measures to fight racism, racial discrimination, xenophobia and related intolerance, including Nazism and neo-Nazism, and considered any form of racial discrimination as a serious human rights violation. They had ratified the relevant international conventions and fully supported the work of United Nations bodies as well as the Council of Europe in that regard. The increase in instances of discrimination, intolerance and extremist violence motivated by anti-Semitism, Islamophobia, Christianophobia and prejudice against persons of other religions and beliefs, as well as the activities of extremist political parties in many countries, were indeed reasons for concern. However, groups or political parties should not be labelled as endorsing Nazism, for reasons of political expediency, when they did not subscribe to that ideology.

45. While the draft resolution contained some important elements which contributed to the fight against racism, racial discrimination, xenophobia and related intolerance, it was regrettable that changes proposed by other delegations to broaden its scope had not been sufficiently taken on board. In addition, the timeliness of such a draft resolution was questionable, as many current forms of racial discrimination and xenophobia did not have their roots in Nazi ideology. Also, paragraphs which de facto restricted the rights to freedom of peaceful assembly, association, opinion and expression were cause for concern. A careful balance must be struck between freedom of expression and the fight against racism, as reflected in consensual resolutions adopted by the General Assembly and by the Human Rights Council. For those reasons, the four countries had abstained from the vote.

46. **Mr. Sargsyan** (Armenia), speaking on behalf of the Collective Security Treaty Organization (CSTO), said that the States members of his Organization fully supported such a timely draft resolution, which coincided with the seventieth anniversary of victory in the Second World War and the establishment of the Nuremberg Tribunal. He paid tribute to the memory of millions of lives lost, including of children, in that war. Victory had only been possible through the joint efforts of many peoples to preserve freedom and foster development. Combating the ideology of hatred, regardless of its label, in addition to new threats and challenges, could similarly only be done through the joint efforts of the global community. CSTO member States categorically rejected and strongly condemned targeted attempts to rewrite history and the outcomes of the Second World War. Any attempts to glorify Nazism, as well as aggressive nationalism, were unacceptable. The countries that had overcome fascism must likewise combat neo-fascism, chauvinism and other forms of xenophobia, as well as the popularization of radical nationalism, including among youth. Lastly, the Charter of the United Nations must remain a strong basis for the development of international relations.

47. **Mr. Yao Shaojun** (China) said that his delegation had voted in favour of the draft resolution. As the

world commemorated the seventieth anniversary of victory over Nazism in the Second World War, which marked the triumph of good over evil, light over darkness, and progressiveness over reactionary forces, past experience should guide the future. To forget history would be tantamount to betrayal: any dilution, denial or glorification of Nazism or its history of aggression was intolerable to all nations and peoples, especially bearing in mind the victims of the Second World War. The international community must be highly vigilant against such words and deeds.

48. **Ms. Pachoumi** (Cyprus) said that her delegation was deeply alarmed by manifestations of neo-Nazism and was committed to fiercely combatting such phenomena through policy and legislation, guided by the position of the European Union. Every effort must be made to provide effective protection from discrimination and hate, including through dialogue, education and awareness-raising.

49. While the openness of the consultations on the draft resolution had been appreciated, the text in question could have been further improved by accommodating concerns relating to paragraphs and references that went beyond the scope of the related agenda item. Nevertheless, what was of utmost importance was the unity within the international community in combatting neo-Nazism and other such phenomena.

50. **Ms. Vraila** (Greece) said that as the Second World War had left Greece, and most other European countries, in ruins, her delegation was naturally concerned about the appearance and rise of extremism in any form, including neo-Nazism, racism, intolerance and xenophobia. The international community should spare no effort to combat those phenomena. Her delegation unreservedly condemned any attempt to glorify or otherwise promote Nazi ideology and all forms of religious and ethnic intolerance.

51. While her delegation appreciated the transparency of negotiations on the draft resolution, some of the elements it contained fell outside the human rights agenda and focused disproportionately on political issues that targeted countries. Those would best be left out, since the matter at hand was of global importance.

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/70/L.61)

Draft resolution A/C.3/70/L.61: A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

52. **The Chair** said that the draft resolution contained no programme budget implications.

53. **Mr. Mminele** (South Africa), speaking on behalf of the Group of 77 and China, said that paragraph 22 of the draft resolution should be revised to read: "Requests the Secretary-General to submit to the General Assembly at its seventy-first session a report on the implementation of the present resolution, including the progress made on the commemoration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, including through the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action". As a result, paragraph 20, which called upon the Human Rights Council to commence preparations for the commemoration of the aforementioned anniversary, would be deleted. That amendment meant that only one report would be presented to the General Assembly, encompassing all the required and necessary inputs, thereby eliminating the cost of preparing two separate reports.

54. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors.

55. **The Chair** said that a recorded vote had been requested on draft resolution A/C.3/70/L.61, as orally revised.

56. **Mr. Israeli** (Israel), speaking in explanation of vote before the voting, said that throughout history, the Jewish people had fought against racism, and remained committed to that goal. Israel's door remained open in that respect, and it hoped that a new understanding could be achieved in the future, in the light of the current state of affairs. He recalled the process by which General Assembly resolution 3379 (XXX) of 10 November 1975, which determined that Zionism was a form of racism, had been revoked in December 1991. In its original form, that resolution had condemned racism and colonialism, a subject of great

importance to all, and to Africans in particular, and on which consensus could have been achieved. Nevertheless, a group of countries had invoked the use of the automatic majority as a manoeuvre to place Zionism in brackets together with the subjects under discussion.

57. Similarly, while States had gathered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in 2001 with the expectation of achieving an outcome dedicated to combating the scourge of racism, that Conference had instead been hijacked by a small group of States for the purpose of defaming, demonizing and delegitimizing the State of Israel. His delegation had been left with no choice but to withdraw from the World Conference in 2001, and to refrain from participating in the Durban Review Conference in 2009, and the 2011 high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. Rather than promote tolerance, the Durban Conference had been marred with malicious intent. Thirteen years later, Member States had still not found the will or intent to correct the wrongs of the past. For the above reasons, his delegation had no choice but to request a vote, and would vote against the draft resolution.

58. **Ms. Lucas** (Luxembourg), speaking on behalf of the European Union, said that the European Union remained fully committed to the total elimination of all forms of racism, racial discrimination, xenophobia and related intolerance, including contemporary forms, a goal which had yet to be attained. It also remained firmly committed to the primary objectives and commitments undertaken at the 2001 Durban Conference.

59. Indeed, the phenomenon spared no country or region. As such, racism and its contemporary forms, including those related to extremist ideologies such as neo-Nazism, should be tackled in a balanced and comprehensive way, through effective national, regional and international measures. It was also essential to ratify and fully implement the International Convention on the Elimination of All Forms of Racial Discrimination.

60. The draft resolution before the Committee contained technical updates, but the concerns expressed previously by Member States persisted. It focused excessively on processes, mechanisms, meetings, commemorations and reporting, rather than on specific action on substantive matters.

61. The main issues that had not been adequately addressed in the draft resolution were the following: the International Convention on the Elimination of All Forms of Racial Discrimination must remain the basis of all efforts to prevent, combat and eradicate racism, and there was no agreement or evidence to suggest it had gaps or failed to address contemporary forms of racism. Focus should be on the full and effective implementation of that Convention. Also, the independence of the Office of the United Nations High Commissioner for Human Rights and the Secretary-General, as well as the institutional balance between the United Nations human rights mechanisms, should be respected at all times. Lastly, it was important to avoid the proliferation and duplication of Durban follow-up mechanisms and processes, or the mandating of new meetings. Resources should be primarily devoted to supporting specific measures to tackle racism on the ground.

62. Efforts to combat the scourge of racism must be united and robust, for the sake of victims, who deserved better than words and processes. The European Union was thus unable to support the draft resolution.

63. **Ms. Phipps** (United States of America) said that her Government was firmly committed to combatting racism and racial discrimination. That commitment was rooted in the saddest chapters of her country's history and reflected in its most cherished values. In spite of the progress made, fighting racism and racial discrimination remained an ongoing challenge. Her Government would continue to work with civil society, international mechanisms and all nations of goodwill to combat those phenomena. In that respect, her delegation welcomed the forthcoming visit of the Working Group of Experts on People of African Descent to her country in January 2016. It would also continue to enhance its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which provided comprehensive protection and was the most relevant international framework to address all forms of racial discrimination. In addition, it remained deeply concerned about speech that advocated national, racial or religious hatred, particularly when constituting an incitement to violence, discrimination or hostility. The best antidote to offensive speech was not bans and

punishments, but a combination of robust legal protections against discrimination and hate crimes, proactive Government outreach to racial and religious communities, and the vigorous protection of freedom of expression.

64. Her delegation was concerned that the draft resolution served as a vehicle to prolong the divisions caused by the Durban Conference and its follow-up rather than providing a comprehensive and inclusive way forward. It was also concerned about the additional costs incurred to the regular budget of the United Nations by the request in the draft resolution for reactivation of the operational activities of the group of independent eminent experts. In view of the significant budget constraints in that regard, and Member States' limited ability to provide increasing resources, the Committee should carefully consider the resource implications of such requests before making them. For all those reasons, her delegation would vote against the draft resolution.

65. *A recorded vote was taken on draft resolution A/C.3/70/SR.61, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Congo (Democratic Republic of the), Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Korea (Democratic People's Republic of), Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tanzania (United Republic of), Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czech Republic, France, Germany, Israel, Marshall Islands, Nauru, Palau, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (The former Yugoslav Republic of), Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tonga, Ukraine.

66. *Draft resolution A/C.3/70/L.61, as orally revised, was adopted by 128 votes to 11, with 44 abstentions.*

67. **Ms. Kirianoff Crimmins** (Switzerland), speaking in explanation of vote after the voting also on behalf of Iceland, Liechtenstein, New Zealand and Norway, said that it was regrettable that no genuine consultations had been held on the content of the draft resolution, in order to consider other delegations' views on the issue at hand. For example, the draft resolution should focus more on implementation of the Durban Declaration and Programme of Action and on specific action to be taken at the national level, since it was the primary responsibility of States to combat racism and adopt effective measures as a matter of priority to eliminate all forms of discrimination. The draft resolution led to follow-up activities at the international level that did not contribute effectively to combatting racism, racial discrimination, xenophobia and related intolerance. It was deeply regrettable that it referred to an acknowledgment by the Human Rights Council of the existence of procedural and substantive gaps in the International Convention on the Elimination of All

Forms of Racial Discrimination, when no agreement on that issue had in fact been reached within the Council. For those reasons, the group of countries had abstained from the vote.

68. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the implementation of activities of the International Decade for People of African Descent (A/70/339), and the report of the Secretary-General entitled "Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/70/367).

69. *It was so decided.*

Agenda item 72: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/70/L.44)

Draft resolution A/C.3/70/L.44: International Convention for the Protection of All Persons from Enforced Disappearance

70. **The Chair** said that the draft resolution contained no programme budget implications.

71. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedures of the General Assembly, said that, pursuant to the request in paragraph 12 of the draft resolution, it was understood that all issues relating to the high-level plenary meeting of the General Assembly, including the date, format, organization and scope, were yet to be determined. Accordingly, in the absence of modalities for the meeting, no estimate could be made regarding the potential cost implications of the requirements for meetings and documentation. Upon the decision on the modalities, format and organization of the meeting, the Secretary-General would submit the costs of the relevant requirements. Furthermore, the date of the meeting would be decided in consultation with the Department of General Assembly and Conference Management.

72. With regard to the words "within existing resources" also in paragraph 12, attention was drawn to the provisions of section IV of General Assembly resolution 45/248 B and subsequent resolutions, the most recent of which was resolution 68/246, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions. Accordingly, the adoption of draft resolution A/C.3/70/L.44 would not give rise to any financial implications under the programme budget.

73. **Mr. Rabi** (Morocco), introducing draft resolution A/C.3/70/L.44 and speaking also on behalf of Argentina and France, invited all other Member States to join the sponsors, who currently numbered 72 in total.

74. Universal ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals in that context, and the ongoing work of the Working Group on Enforced or Involuntary Disappearances would help to significantly expand protection to victims. In that respect, he noted that the Convention had been signed by 94 States and that 51 States had become States parties to it. He called upon all other Member States to consider signing or ratifying the Convention, and to recognize the competence of the Committee on Enforced Disappearances.

75. The main new element in the current draft resolution, compared with previous resolutions on the topic, was a decision to devote one high-level plenary meeting of the General Assembly, within existing resources, at its seventy-first session to the commemoration of the tenth anniversary of adoption of the Convention. He hoped that the anniversary could help to raise greater awareness about ratification of the Convention and ensure its effective implementation. Also, with a view to further streamlining the Third Committee's work, the three countries had decided to make the draft resolution biennial, while still ensuring interactive dialogue between the Committee and the Chairs of the Committee on Enforced Disappearances and of the Working Group on Enforced or Involuntary Disappearances. Lastly, he drew attention to the

request made to the Secretary-General to submit to the General Assembly at its seventy-first and seventy-second sessions a report on the status of the Convention and the implementation of the present resolution.

76. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Antigua and Barbuda, Austria, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Canada, the Central African Republic, Colombia, Côte d'Ivoire, Croatia, Cuba, the Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Georgia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Japan, Jordan, Kazakhstan, Latvia, Lebanon, Lesotho, Lithuania, Madagascar, Maldives, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, the Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Ukraine and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors.

77. *Draft resolution A/C.3/70/L.44 was adopted.*

78. **Ms. Moreno Guerra** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, recalled the Movement's firm position against the continued selectivity, double standards and politicization reflected in submission of draft resolutions in the Third Committee to address human rights situations in targeted developing countries that were members of the Movement, as had been emphasized at the Movement's sixteenth Summit of Heads of State or Government held in Tehran in August 2012, and at the seventeenth Ministerial Conference held in Algiers in May 2014.

79. In Tehran, the Heads of State or Government of those countries had underscored the key role played by the Human Rights Council's universal periodic review for the consideration of human rights situations in all countries, based on cooperation and constructive dialogue. The selective adoption of country-specific resolutions in the Committee breached the principles of universality, objectivity and non-selectivity in addressing human rights situations, and undermined cooperation as an essential principle for effectively promoting and protecting all universally recognized human rights for all.

80. The Heads of State or Government had also stressed that the universal period review was the main intergovernmental mechanism to review human rights issues at the national level in all countries without distinction. Furthermore, they had reiterated the importance of ensuring the implementation of that review mechanism as an action-oriented, cooperative mechanism, based on objective and reliable information, conducive to interactive dialogue and with full involvement of the countries under review. Such a review should be conducted in an impartial, transparent, non-selective, constructive, non-confrontational and non-politicized manner. They had also urged members of the Non-Aligned Movement to continue to coordinate efforts to support their member States under review.

81. The continued submission of politically motivated resolutions targeting certain States member of the Movement only deepened the feeling of politicizing human rights issues, and had a negative impact on the credibility of the Human Rights Council as the competent authority for considering, substantively assessing and acting on proven human rights violations in all countries, regardless of their level of development or political belonging.

82. For those reasons, Member States should vote against any selective and politicized draft resolutions.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/70/L.35)

83. **Ms. Goldrick** (Nicaragua) said that her delegation wished to make a general statement, as it was deeply concerned over the continued submission of country-specific resolutions in the Committee. That approach did not help to effectively promote and protect human rights, but instead lent itself to politicization, selectivity and double standards, and exacerbated confrontations among Member States. In addition, such resolutions singled out developing countries, whereas none had addressed the massive human rights violations being committed against millions of immigrants in developed countries, or the responsibility of the major Powers, which, owing to geopolitical and economic interests, ordered military attacks against civilians, denying them the right to life.

84. She urged developing countries to assert their right to sovereignty and self-determination, and to reject interference in their domestic affairs and the politicization of human rights. Developed countries,

for their part, should collaborate with developing countries with a view to continuing to promote and protect the human rights of their citizens through respectful dialogue, and in a spirit of cooperation.

85. The interrelatedness of all human rights and fundamental freedoms must be strengthened. Since extreme poverty hindered the full and effective enjoyment of human rights, developed countries had a great opportunity before them to help promote and protect human rights in countries by fulfilling their official development aid commitments.

86. Any country that still felt it had the moral standing to point to human rights situations in other countries, after examining their own, should do so respectfully and in cooperation with the Human Rights Council. It was the Council that was in the best position to examine human rights situations in all countries on an equal footing, through its universal periodic review mechanism, based on universality, impartiality, objectivity and non-selectivity.

Draft resolution A/C.3/70/L.35: Situation of human rights in the Democratic People's Republic of Korea

87. **The Chair** said that the draft resolution contained no programme budget implications.

88. **Ms. Lucas** (Luxembourg), speaking on behalf of the European Union, Japan and the other sponsors, said that the draft resolution reflected their serious concerns about the widespread, gross and systematic human rights violations being perpetrated against the people of the Democratic People's Republic of Korea.

89. She read out two oral revisions to the draft resolution. First, in the fourteenth preambular paragraph, the words "on the international community" should be deleted, so that the revised paragraph would read: "Taking note of the United Nations report entitled 'Democratic People's Republic of Korea 2015: Needs and Priorities' and its call to address the critical humanitarian needs in the Democratic People's Republic of Korea". Second, in the fifth line of paragraph 2 (ix), the words "those involving" should be deleted and replaced by "allegations on the possible use of persons with disabilities in", so that the revised paragraph would read: "Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations on the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents".

90. The commission of inquiry on human rights in the Democratic People's Republic of Korea had helped to firmly anchor that issue in the international agenda and in regular discussions in the Human Rights Council and General Assembly. It should soon be discussed in the Security Council as well. In its landmark report, which brought to light the unparalleled gravity, scale and nature of the human rights violations in that country, the commission had underscored the pervasive culture of impunity and lack of accountability of the perpetrators of those violations, and found that a number of those may amount to crimes against humanity. The Committee should thus continue to discuss that country's human rights situation.

91. Accountability for human rights violations was paramount, which is why the draft resolution inter alia expressed dismay at the failure of the authorities of the Democratic People's Republic of Korea to bring justice to the victims of such violations.

92. The Government of that country should extend its cooperation with the Office of the United Nations High Commissioner for Human Rights and with the United Nations special procedures and human rights mechanisms, in accordance with the relevant terms of reference, to allow a country visit.

93. The sponsors remained open to continue dialogue with the authorities of the Democratic People's Republic of Korea, but emphasized that dialogue and cooperation could not compensate for, replace or be traded against the need for accountability for the widespread, gross and systematic human rights violations which continued to be perpetrated in the country.

94. **Mr. Khane** (Secretary of the Committee) said that Albania, Bosnia and Herzegovina, Botswana, Georgia, Honduras, Maldives, the Marshall Islands, New Zealand, Palau, Serbia, Seychelles, Turkey and Ukraine had joined the sponsors.

95. **Mr. Myong Nam Choe** (Democratic People's Republic of Korea) said that his delegation categorically rejected the draft resolution, which, instead of genuinely seeking to promote and protect human rights, was a

product of the hostile policy of political and military confrontation and conspiracy by the Government of the United States of America, supported by other hostile forces, such as the European Union and Japan, through the repeated submission and adoption of resolutions on the Democratic People's Republic of Korea in the United Nations human rights mechanisms every year. That policy had sought to eliminate by any means his country's state and social system since its establishment a half century ago.

96. The draft resolution lacked all credibility as an official document of the United Nations and contained distortions, including by so-called "North Korean defectors", and fabrications about alleged forced labour by people from the Democratic People's Republic of Korea who were working under legitimate contracts in other countries. His Government would react in the strongest of terms to any pressure or confrontation aiming to eliminate its socialist system, which its entire population was committed to safeguarding by all means.

97. Despite continuing sanctions by and pressure from hostile forces, his Government had always maintained its policy of ensuring and enhancing the promotion and protection of the human rights of its people, with a view to further improving their livelihoods and prospects for a better future.

98. His Government attached great importance to genuine dialogue and cooperation in the area of international human rights, and had been fulfilling its obligations including through invitations to the United Nations High Commissioner for Human Rights and the European Union Special Representative for Human Rights, the drafting of reports on its implementation of the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women, and by taking steps to implement the recommendations contained in the outcome of the universal periodic review.

99. Rather than name and shame others, the main sponsors of the draft resolution should refer to the gross human rights violations in their own countries.

100. In order to genuinely further the promotion and protection of human rights, the United Nations must urgently take punitive measures to address current crimes against humanity, such as the invasion of Iraq and Afghanistan and the killing of civilians, racial discrimination in the United States, xenophobia, Islamophobia, the refugee crisis in many parts of Western Europe and the past crimes against humanity committed by Japan. His delegation thus requested a recorded vote and would vote against the draft resolution. He encouraged Member States to do the same and to respect the principles of non-politicization, non-selectivity, objectivity and impartiality, as enshrined in the Charter of the United Nations and in the outcome documents of the Non-Aligned Movement.

101. **Mr. Yoshikawa** (Japan), conveying his appreciation to the 59 sponsors, said that the human rights situation in the Democratic People's Republic of Korea continued to be critical. The draft resolution was based on the commission of inquiry's findings in its report of February 2014 that provided guiding principles for the international community to respond to the situation in that country. The commission had encouraged the Security Council to take appropriate action to ensure accountability and, in that regard, the Council had discussed the matter in December 2014 for the first time in an official meeting. The serious human rights violations by the Democratic People's Republic of Korea that were cited in the draft resolution included the abduction of foreign nationals, a matter which must urgently be resolved since the abductees, including from Japan, and their families were ageing. The adoption of the draft resolution by a majority would send a strong message to the Democratic People's Republic of Korea: its Government should respond in good faith to the concerns raised by the international community and improve its human rights situation, including through the return of abductees as soon as possible.

102. **Ms. Smaila** (Nigeria) recalled that the Government of the Democratic People's Republic of Korea had participated in both the first and second cycles of the Human Rights Council's universal periodic review and that one of its ambassadors had met with the relevant special procedure on the situation of human rights in that country in October 2014. The universal period review and Human Rights Council were important procedures that sufficiently covered countries' human rights situations, thus making it unnecessary to do so again in the Committee.

103. **Mr. Agha** (Syrian Arab Republic) said that his delegation regretted that the Committee was being used in a way that hindered the efforts of the Human Rights Council. His delegation would thus vote against the draft resolution.

104. **The Chair** said that a recorded vote had been requested on the draft resolution, as orally revised.

105. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran), speaking in explanation of vote before the voting, said that the continued selective adoption of country-specific resolutions, particularly in the Third Committee, constituted political exploitation of the Committee and breached the principles of universality, objectivity and non-selectivity of the United Nations Charter, and in addressing human right issues. That practice also undermined cooperation as the essential principle for effectively promoting and protecting all universally-recognized human rights. The Human Rights Council's universal periodic review provided a mechanism for reviewing human rights situations in all countries on an equal basis. For those reasons, his delegation would vote against the draft resolution.

106. **Mr. Mahmoud** (Egypt) said that the desired objectives on human rights situations throughout the world could be reached through clear and constructive dialogue, exchange of expertise and best practices, such as through the Human Rights Council's universal periodic review. His delegation was committed to the position of the Non-Aligned Movement, rejecting politicization, double standards and the selective use of human rights platforms to address country-specific situations. On principle, his Government would vote against the draft resolution. On the matter of the abductees from Japan, his Government would work bilaterally with that country, or on international platforms, and urged the two parties concerned to undertake constructive dialogue and reach a fair and just solution on that matter.

107. **Ms. Moreno Guerra** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that her delegation would also vote against the draft resolution, as it was against the imposition of selective and politically motivated draft resolutions and mandates. That approach, which was particularly evident vis-à-vis the Democratic People's Republic of Korea and was based on a mandate that had not contributed to respectful and constructive dialogue with that country, opted instead for sanctions and the dangerous and counterproductive involvement of the Security Council in matters outside of its purview that did not in any way undermine international peace and security. The people of the Democratic People's Republic of Korea had a right to peace, self-determination and development. The universal periodic review was thus the most suitable mechanism: it ensured discussion that was free of politicization or confrontation, and fostered respectful cooperation with the country concerned. Indeed, dialogue should take the place of politicization, and the selective and discriminatory exercise against the Democratic People's Republic of Korea must be discontinued.

108. **Ms. Sabja** (Plurinational State of Bolivia) said that her delegation maintained its principled position against politically-motivated, country-specific draft resolutions. The universal periodic review was the most appropriate mechanism for addressing human rights situations everywhere, through genuine and constructive dialogue. Cooperation among countries must be strengthened in addressing human rights through constructive dialogue with the participation of the interested party, and based on objectivity, impartiality and non-selectivity. Her delegation would thus vote against the draft resolution and other similar ones in the Committee.

109. **Ms. Belskaya** (Belarus) said that country-specific resolutions were a means to exert political pressure and breached the principles and Charter of the United Nations. The draft resolution on the Democratic People's Republic of Korea undermined the fundamental principle of respect for national sovereignty and non-interference in the internal affairs of States, and was a clear attempt to exercise selectivity in a main body of the United Nations. Her delegation would thus vote against the draft resolution and urged others to consider the ripple effect of their votes on the United Nations system as a whole.

110. *A recorded vote was taken on draft resolution A/C.3/70/L.35, as orally revised.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Korea (Republic of), Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia (The former Yugoslav

Republic of), Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Republic of Moldova, Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Saudi Arabia, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Sudan, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Belarus, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Iran (Islamic Republic of), Korea (Democratic People's Republic of), Lao People's Democratic Republic, Myanmar, Oman, Russian Federation, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Bangladesh, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Congo (Democratic Republic of the), Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guinea, Guyana, India, Indonesia, Kenya, Kuwait, Kyrgyzstan, Lesotho, Libya, Malaysia, Mali, Mauritania, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Singapore, Solomon Islands, South Africa, Suriname, Swaziland, Tanzania (United Republic of), Tonga, Trinidad and Tobago, Turkmenistan, Uganda, Yemen, Zambia.

111. *Draft resolution A/C.3/70/L.35, as orally revised, was adopted by 112 votes to 19, with 50 abstentions.*

112. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) speaking in explanation of vote after the voting said that, in line with its principled position, his delegation did not support the adoption of resolutions or the creation of special rapporteurs, representatives or other mechanisms that singled out specific countries in addressing human rights situations. Such selectivity and politicization must be rejected, as it was in breach of the principles and purposes of the Charter of the United Nations, undermined the mandate of the Human Rights Council and reflected double standards. Cooperation and dialogue were essential for the effective promotion and protection of human rights. Accordingly, Member States should focus on the positive achievements since the creation of the Human Rights Council and its universal periodic review mechanism.

113. **Mr. Morejón Pazmiño** (Ecuador) reaffirmed his delegation's support for the Human Rights Council's universal periodic review mechanism to address human rights issues all around the world, on an equal footing and using clear and non-politicized procedures. Rather than improve human rights in the countries concerned, country-specific resolutions undermined constructive dialogue among States and international cooperation. His delegation condemned all human rights violations regardless of where they were committed. In the past, whenever the relevant draft resolution in question had been put to a vote, his delegation had abstained, with one exception: its negative vote the previous year, when a proposed amendment to address the inappropriate introduction of references to the Security Council and International Criminal Court in that text had not been kept. His delegation had abstained from the vote on the current draft resolution, but maintained that such references, in paragraphs 10 and 11 of the current text, were inappropriate.

114. **Mr. de Aguiar Patriota** (Brazil) said that while his delegation had voted in favour of the draft resolution, it welcomed the signs of cooperation that the Government of the Democratic People's Republic of Korea had shown vis-à-vis the human rights system, particularly its invitation to the United Nations High Commissioner for Human Rights to visit Pyongyang. Positive elements on the issue of abductions, cooperation with the United Nations human rights mechanisms and dismantling of political prison camps would be important steps in the right direction, though as it stood, the human rights situation on the ground remained of grave concern.

115. Irrespective of that reality, however, his delegation was concerned about the growing trend to involve the Security Council in matters that were beyond its prerogatives under the Charter of the United Nations, as the Council was not adequately equipped or representative to deal with the complex issue of human rights in all its dimensions. Human rights should not be addressed exclusively from a security standpoint.

Indeed, the Human Rights Council and General Assembly were better equipped to deal with such issues by virtue of their wider composition and mandate.

116. Referring to the Human Rights Council panel discussion on the human rights situation in the Democratic People's Republic of Korea, he said that panels on human rights situations in specific countries should be seen as an exception to be used only in extraordinary circumstances, so as to avoid any further politicization of the Human Rights Council.

117. Lastly, he drew attention to the negative indirect impact that the unilateral sanctions against the country in question were having on its vulnerable population, as reported by the Secretary-General.

118. **Mr. Yao** Shaojun (China) said that differences in the area of human rights should be addressed through constructive dialogue and cooperation on the basis of equality and mutual respect. His delegation opposed the politicization of human rights issues and the adoption of country-specific human rights resolutions, as well as the exertion of pressure on countries under the pretext of human rights. It also opposed the Security Council's consideration of human rights issues. China had thus voted against the draft resolution.

119. **Ms. Mozolina** (Russian Federation) said that her delegation had repeatedly voiced its disapproval of the practice of submitting politicized and country-specific draft resolutions on human rights situations, as that approach was ineffective and only exacerbated confrontation among Member States. Such resolutions had neither helped to improve human rights situations in the world, nor fostered constructive dialogue with the countries concerned. Instead, the universal periodic review mechanism was sufficiently effective in addressing human rights situations among Member States. Hence, her delegation had voted against the draft resolution, and hoped that such draft resolutions would cease to be submitted for consideration by the Committee.

120. **Ms. Quek** (Singapore) said that her delegation maintained its principled position against country-specific resolutions, which were highly selective and often driven by political rather than human rights considerations. The Human Rights Council was better placed to address human rights issues, through its universal periodic review mechanism. Her delegation would thus abstain on all country-specific resolutions, including the one under consideration. That abstention, however, should not be considered to imply a particular position on the human rights situation in the country concerned, or as condoning the mistreatment of citizens. All Member States must promote and protect all human rights and fundamental freedoms.

121. **Mr. Nguyen** Duy Thanh (Viet Nam) reasserted his delegation's long-standing position that genuine dialogue and constructive cooperation were the most productive means to address issues of mutual concern, and bring real improvements on the ground. Submitting country-specific resolutions was selective, divisive and counterproductive. His delegation had thus voted against the present draft resolution. It shared the international community's utmost concern with regard to abductions, which it firmly condemned, and extended its sympathies to the victims and their families. The parties concerned must work together to find a satisfactory solution to that issue.

122. **Mr. Thinkeomeuangneua** (Lao People's Democratic Republic) said that his delegation had voted against the draft resolution because country-specific resolutions were politicized, selective and ineffective in addressing human rights. Human rights issues should instead be addressed on the basis of mutual respect, dialogue and cooperation, and should take into account each country's particular circumstances and historical and cultural background. Human rights issues should not be referred to the Security Council, which was mandated to deal with international peace and security, but rather to the Human Rights Council, under the universal periodic review. Also, efforts to hold non-State parties to the Rome Statute of the International Criminal Court to the same level of responsibility and obligation as its States parties contravened the principle of international law as enshrined in the Vienna Convention on the Law of Treaties of 1969.

123. **Ms. González López** (El Salvador) said that her delegation had voted in favour of the draft resolution. Nevertheless, in accordance with her country's Constitution, her delegation could not support paragraph 10 of that text, which provided for referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court. Since her country was not a State party to the Rome Statute, its vote in favour of the draft resolution should not be considered as recognition of that Court's jurisdiction. Furthermore, while her country's legislative body was currently considering the ratification of the legal instrument of the Court, the executive body could not accept the Court's jurisdiction.

124. **Mr. Kyaw Tin** (Myanmar) said that his delegation held a long-standing principled position against country-specific resolutions, which ran counter to the principles of objectivity, impartiality, non-selectivity and non-politicization, and undermined Member States' ability to work together for the promotion and protection of human rights everywhere in the world. Such resolutions were polarizing and caused confrontation among Member States. The universal periodic review was the most dependable mechanism to address the human rights situations of all countries on an equal footing. Furthermore, that mechanism dispensed with the need for country-specific resolutions in the Human Rights Council and in the Third Committee. His delegation had thus voted against the draft resolution.

125. **Mr. Myong** Nam Choe (Democratic People's Republic of Korea) said that his delegation would remain unwavering in its categorical rejection of the politically motivated draft resolution, and would continue to reject any politically motivated and confrontational resolutions on the human rights situation in his country.

126. **Mr. Torbergsen** (Norway) said that his delegation welcomed the adoption of the draft resolution, which contained a strong call for accountability and change, as it continued to be deeply concerned about the grave human rights situation in the Democratic People's Republic of Korea and for its people and their dignity and well-being. Cooperation was needed between the Government of the Democratic People's Republic of Korea and the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur and all special procedures of the Human Rights Council in taking meaningful and specific measures to improve the situation on the ground. His delegation strongly believed that that country and its people would benefit immensely from engaging fully with those procedures, including the universal periodic review and measurable actions. He urged the Government of the Democratic People's Republic of Korea to follow up on the provisions of the draft resolution without further delay.

127. **Ms. Morton** (Australia), speaking also on behalf of Canada, Iceland and Liechtenstein, said that the adoption of the draft resolution was welcome, noting that the human rights situation in the Democratic People's Republic of Korea required the Committee's undivided attention. She drew attention to the findings of the commission of inquiry's report of 2014, which had been based on methodically gathered and documented evidence from hundreds of hours of witness testimonies. She also welcomed the efforts of the Special Rapporteur on the situation of human rights in that country, and agreed that accountability must be ensured, while continuously seeking engagement with the authorities to bring relief to the people of the Democratic People's Republic of Korea. That country's regime must engage unconditionally with the international community on its human rights record, including by allowing access to human rights monitors and United Nations special procedure mandate holders, and allowing the United Nations and other actors unimpeded access to deliver humanitarian aid to those most in need.

128. Perpetrators of alleged crimes against humanity committed in the Democratic People's Republic of Korea must be held to account, starting with those bearing the greatest responsibility. Likewise, accountability measures must be laid down firmly and robustly by the international community, including through the possible referral of the situation to the International Criminal Court by the Security Council, in addition to other avenues to be explored to fight impunity.

129. The fact that the situation in the Democratic People's Republic of Korea had been placed on the Security Council's agenda for the first time in December 2014 had been a step in the right direction, although it was regrettable that there had been no follow-up on that since. She urged the Security Council to use its leverage and take credible action in the form of further discussions in various formats, leading to concrete outcomes and decisions. The situation in the Democratic People's Republic of Korea was far too serious for the Council to remain a bystander.

The meeting rose at 1 p.m.